

14 January 2008

MEMORANDUM FOR Chiefs and Operations Managers

SUBJECT: Standing Operating Procedure (SOP), Processing Major Outgrants

1. References:

- a. ER 405-1-12, Real Property Management, Chapter 8 (Change 30 September 1994; original document 20 November 1985).
- b. ER 1130-2-550, Project Operations, Recreation Operations and Maintenance Guidelines and Procedures (15 November 1996).
- c. EP 1130-2-550, Project Operations, Recreation Operations and Maintenance Guidelines and Procedures (15 November 1996).
- d. ER 200-2-2, Policy and Procedures for Implementing NEPA (4 November 1988).
- e. ER 1130-2-540, Environmental Stewardship Operations and Maintenance Policies (15 November 1996).
- f. EC 1130-2-540, Evaluating Requests For Development or Use of Corps Land and Water Resources (October 2004).
- g. Nashville District, Environmental Compliance Checklist, Spring 1994.
- h. Nashville District, Guidelines and Policy for the Review of Cut and Fill Proposals Below Maximum Flood Pool Elevations on Corps of Engineers Lakes and Interests in Lands (11 December 2002).
- i. Major Outgrants Issuance and Inspections, Process Action Team Report (December 1997).
- j. AR 405-80, Management of Title and Granting Use of Real Property (10 October 1997).
- k. Recreation Development Policy for Outgranted Land (6 December 2005).
- l. ER 200-1-5, Environmental Quality-Policy for Implementation of the USACE Environmental Operating Principles and Doctrine (30 Oct 2003).
- m. Standing Operating Procedure(SOP), Mitigation Policy for Issuing Real Estate Outgrants (13 August 2002).

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n. Real Estate Division Information Paper. Information Regarding Interaction Between Real Estate and Natural Resources in Processing Outgrants and Other Issues (27 June 2000).

2. Purposes. This SOP sets forth the policies, processes, responsibilities and procedures for processing major outgrants in the Nashville District. This SOP supersedes the previous version, dated 25 November 1998.

3. Applicability. This SOP applies to the processing of all major outgrants at Nashville District Projects.

4. Definitions.

a. Minor Outgrant. Minor outgrants include licenses for residential waterlines, electrical lines, access steps, etc., usually issued in connection with shoreline use permits.

b. Major Outgrant. Major outgrants are any that do not qualify as a minor outgrant. They generally include such actions as recreation leases, commercial concessions leases, fish and wildlife licenses, agricultural leases, easements for communication uses, powerlines, pipelines for water withdrawal and leases for quasi-public uses such as group camps.

5. Policy. It is the goal of the Nashville District to process all complete outgrant applications within 60 to 120 days, depending on the complexity and coordination requirements. The District will deny applications that do not conform with Corps policies, plans, or programs; cause unacceptable environmental impacts; or conflict with overall public use of the project. Applications will be reviewed for compatibility with all project purposes, environmental impacts and concerns, cultural resources effects and compliance, fish and wildlife, endangered species, public sentiment and the overall public interest. After execution, outgrants are monitored to ensure all activities on the outgranted area(s) are in strict compliance with the requirements of the outgrant document.

6. Responsibility. The following outlines the responsibilities of the various District elements:

a. The Resource Manager (RM) is the initial contact point for the applicant, and he/she must make the initial decision on the availability of the project land and/or water areas for proposed uses. The RM can, and should, deny applications that do not conform with Corps policies, plans, or programs; cause unacceptable environmental

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impacts; or conflict with overall public use of the project. The RM should explain to the applicant that the outgrant process involves various other District elements (such as OP-F permit, cut and fill balancing, etc.). The RM is also encouraged to initiate early coordination and preliminary discussion with other District elements if necessary to aid in processing of outgrant requests.

b. OP-R. Natural Resources Management Branch is responsible for the final concurrence with availability of project lands and water areas. If there is a conflict in the Master Plan, and the proposal is supported, the Plan is supplemented or modified to reflect the proposed land-use classification. OP-R will coordinate Master Plan Supplements with other appropriate District elements.

c. RE-O. Operations Support Branch of the Real Estate Division has overall responsibility for preparation, processing, issuing, administering and managing all District outgrants.

d. PM-P. Environmental Team in Planning, Programs and Project Management Division is responsible for the environmental, cultural resources and endangered species compliance associated with a particular outgrant or request. Notification of environmental compliance is coordinated with RE-O.

e. OP-F. Regulatory Branch of Operations Division is responsible for Department of Army (DA) permit(s) which may be required with major outgrants. Existing policies determine environmental compliance responsibilities, in most cases, between OP-F and PM-P. Early agreement is made and documented by memo or e-mail, to avoid duplication, regarding responsibility on this issue when there is overlap on specific projects. Notification of permit approval when an outgrant is required is coordinated with RE-O.

f. EC-H. Hydraulics and Hydrology Branch is responsible for reviewing applications and determining if the proposed outgrant may affect project purposes or project structures. Notification of determination is coordinated with RE-O.

7. Procedures. The following depicts the normal flow of an application for a Major Outgrant:

a. The Resource Manager (RM) will receive and review all applications and ensure they are complete and in order. The RM will include any qualifying remarks as appropriate in the transmittal to OP-R. Mapping, computer generated mapping disc (when available), Real

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Estate tract numbers, Report of Availability (ROA) (ENG 405-1-12), Outgrant Environmental Evaluation Form 463, site specific conditions, written requests from applicants, list of existing outgrants affected, any known Hazardous, Toxic, Radiological Wastes (HTRW) issues, DA permit application, etc., will be included in the application transmittal. In the transmittal memorandum, the RM will include a statement verifying the proposal has been evaluated against the project Master Plan and note whether or not a Master Plan Supplement would be necessary. If a Master Plan Supplement is recommended, an unsigned ROA will be provided.

b. OP-R will address concurrence with the proposed application and forward the packet to RE-O for overall coordination and processing of the outgrant. If the proposal is recommended, but not addressed in the current Master Plan, OP-R will prepare a Supplement. The Master Plan Supplement will be approved by the Chief, OP after completion of the NEPA (National Environmental Policy Act) process. OP-R will assure the application is thorough and comprehensive to include Outgrant Environmental Evaluation Form 463 and mapping which depicts all affected tract numbers, etc., for review, coordination, and outgrant purposes. OP-R will provide RE-O a signed ROA and a signed copy of the MP Supplement after completion of the NEPA process when a Master Plan Supplement is required.

c. RE-O will transmit the application package to District elements for corresponding actions with suspense dates for routine outgrants. If the application is complicated and/or controversial, a meeting will be conducted to establish specific responsibilities on issues and suspense dates. This should prevent duplication or the public receiving contradictory comments or positions from the Corps.

d. OP-F will determine if DA permits are required and, if so, complete necessary reviews and public notices as required. OP-F will coordinate with PM-P on environmental and cultural resources issues and RE-O on real estate issues. No DA permit will be issued until this coordination has been documented and all issues addressed. The DA permit will be forwarded to RE to be included in the RE package that is forwarded to the applicant.

e. PM-P will determine if the action is covered under existing NEPA documentation or is categorically excluded and non-controversial under NEPA guidelines. If not, it will prepare the required environmental documents and complete a Report of Availability after completion of environmental and cultural resources assessments. Regardless, cultural resources reconnaissance and/or compliance documentation will be required. When appropriate, the applicant will


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be informed of these needs and schedules and offered the option of assuming responsibility for preparing them subject to Corps specifications. Note the mitigation required in accordance with the Corps' cut and fill policy on project lands must be included in the review for NEPA compliance and environmental impacts. PM-P will provide findings and documentation to RE-O. PM-P will include language in NEPA documents that a MP Supplement will be prepared, where applicable.

f. EC-H will review applications to determine effects to project purposes, in compliance with the Corps' cut and fill policy on project lands. Applications will also be reviewed and determine effects to project structures. EC-H will provide findings and recommendations to RE-O.

g. RE-O will begin Environmental Condition of Property (ECP), prepare mapping and assemble the outgrant package while the other District elements are completing required activities. OP-F will provide the DA permit to RE-O to be sent simultaneously under the same transmittal to applicant when both a real estate outgrant and DA permit are required. RE-O will finalize the package and send it to the applicant.


BERNARD R. LINDSTROM
LTC, EN
Commanding